

Patent
Customer No.: 006980
Docket No. DINK1

amw
7/10
4/29/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
DINKEL, Jeffrey) Group Art Unit: 3637
)
Serial No.: 09/829,256) Examiner: Phi Dieu Tran A
)
Filed: 9 April 2001)
)
For: **ASYMMETRICAL CONCRETE**)
BACKERBOARD AND METHOD FOR)
MAKING SAME)

RESPONSE AND AMENDMENT

BOX AMENDMENT W/EOT FEE
Honorable Commissioner for Patents
Washington, D.C. 20231

Atlanta, GA 30308-2216

31 March 2003

RECEIVED
APR 17 2003
GROUP 3600

Sir:

The *Office Action*, Paper No. 5, from Examiner Phi Dieu Tran A of Art Unit 3637, dated 8 October 2002, has been received and carefully reviewed. In response thereto, Applicant clarifies the patentable distinctions between the cited prior art and the present invention, and respectfully submits that the cited references neither teach nor suggest the present invention as contemplated in the Claims pending upon entrance of this *Response and Amendment*.

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL COPY

Complete if Known

Application Number	09/829,256
Filing Date	9 April 2001
First Named Inventor	DINKEL, Jeffrey
Examiner Name	Phi Dieu Tran A
Art Unit	3637
Attorney Docket No.	DINK1

Effective 01/01/03, patent fees are subject to annual revision

Significant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$465.00)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order
☐ Deposit Account:Deposit
Account
Number

20-1507

Deposit
Account
Name

TROUTMAN SANDERS LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from Fee Paid

Total Claims		- 20** =		X		=	
Independent Claims		- 3** =		X		=	
Multiple Dependent						=	

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					0

2253	465.00	CH	201507	00000053	04/11/2003	01 FC
------	--------	----	--------	----------	------------	-------

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR after Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	465
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$465.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Ryan A. Schneider

Registration. No.
(Attorney/Agent)

45,083

Telephone

404.885.2773

Signature

Date

31 March 2003

WARNING: Information of this may become public. Credit card Information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

lease type a plus sign (+) inside this box

04-01-03

3637

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OBM 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

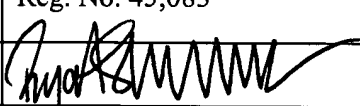
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	097829,256
		Filing Date	9 April 2001
		First Named Inventor	DINKEL, Jeffrey
		Group Art Unit	3637
		Examiner Name	Phi Dieu Tran A
Total Number of Pages in This Submission	13	Attorney Docket Number	DINK1

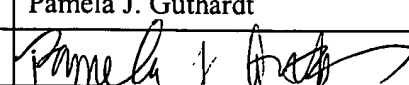
ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks: RECEIVED APR 17 2003 GROUP 3637	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Ryan A. Schneider Reg. No. 45,083
Signature	
Date	31 March 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail (Label No. EL812797045US) in an envelope addressed to: Commissioner for Patents, Box Fee Amendment, Washington, D.C. 20231 on this date: 31 March 2003			
Typed or printed name	Pamela J. Guthardt		
Signature		Date	31 March 2003

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.